

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

Date of Incident:	September 25, 2015
Time of Incident:	8:53 p.m.
Location of Incident:	XXX N. Central Park Avenue, Chicago, IL
Date of COPA Notification:	September 25, 2015
Time of COPA Notification:	9:15 p.m.

On September 25, 2015, at approximately 8:50 p.m., Officers A and B responded to a call of a disturbance with a mentally ill subject, Involved Civilian 1 (Involved Civilian 1), at XXX N. Central Park Avenue, Chicago, IL. Upon arrival, the officers met with Involved Civilian 1's mother, Involved Civilian 2 (Involved Civilian 2), who stated that Involved Civilian 1 was "acting crazy," had a knife, and would not come out of his bedroom. Officers A and B, along with assisting Officers C and D, entered the residence and knocked on Involved Civilian 1's bedroom door. Involved Civilian 1 opened the bedroom door while holding a knife in his hand. The officers ordered Involved Civilian 1 to drop the knife, but he did not comply. Involved Civilian 1 exited his bedroom and approached Officer A as he stood in the kitchen, which was adjacent to the bedroom. Officer B attempted to tase Involved Civilian 1, but the Taser did not appear to have any effect on Involved Civilian 1. Involved Civilian 1 continued to approach Officer A, while still holding the knife in his hand, at which time Officer A discharged his firearm five times, striking Involved Civilian 1 several times about the body. Involved Civilian 1 was declared dead at 2133 hours at Mt. Sinai hospital. COPA's investigation demonstrates that Officer A's use of deadly force complied with Chicago Police Department rules and directives.

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A, star # XXXX, Employee ID#XXXX, Date of Appointment: XX/XX/2012, Chicago Police Officer, Unit of Assignment: XX, DOB: XX/XX/1983, Male White.
Involved Individual#1:	Involved Civilian 1, DOB: XX/XX/1982, Male, Black.

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

### III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	No allegation of Misconduct	Use of deadly force was within CPD policy.

### IV. INVESTIGATION<sup>2</sup>

#### a. Interviews

In an interview with IPRA on September 25, 2015, **Witness Involved Civilian 2**<sup>3</sup> stated she is the mother of Involved Civilian 1. On the date of the incident, Involved Civilian 2 called 911 and requested the police take Involved Civilian 1 to Loretto Hospital because Involved Civilian 1 suffered from schizophrenia and had stopped taking his medication.<sup>4</sup> The police responded to the scene and Involved Civilian 2 explained that Involved Civilian 1 had mental health problems and needed to go to the hospital. The officers asked Involved Civilian 2 if Involved Civilian 1 had any weapons and she told them that Involved Civilian 1 had a little box cutter that he carried for protection. Involved Civilian 2 explained that Involved Civilian 1 carried the box cutter because he had been “jumped on” by some boys down the street from his home. Involved Civilian 2 escorted the officers inside her residence and showed the officers Involved Civilian 1’s bedroom.

Once at Involved Civilian 1’s bedroom door, Involved Civilian 2 heard Involved Civilian 1 stating, “Goddamit, you know I don’t care ‘bout shit.” According to Involved Civilian 2, she believed Involved Civilian 1 made the statement because he was listening to rap music. One officer, Officer B, approached Involved Civilian 1’s bedroom door and took out a “yellow thing.”<sup>5</sup> Another officer, Officer A, knocked on the bedroom door and Involved Civilian 1 stated, “Who is it?” Officer A told Involved Civilian 1 to come out as he stood on the right side of Involved Civilian 1’s bedroom door. Officer B stood near the stove in the kitchen, which was near Involved Civilian 1’s bedroom, while a third officer stood behind a table in the kitchen.<sup>6</sup> Involved Civilian 2 stood in the hallway approximately four feet away from Officer B. Involved Civilian 1 exited his bedroom and stated, “What the fuck is all this?” while holding a box cutter in his right hand.

<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Attachment 8

<sup>4</sup> Involved Civilian 2 did not know how long it had been since Involved Civilian 1 took his medication.

<sup>5</sup> Now identified as a Taser.

<sup>6</sup> Involved Civilian 2 stated there were four officers in her home, but she could not remember the fourth officer or where he was standing.

Involved Civilian 1 approached Officer A.<sup>7</sup> Officer A yelled “pull out the Taser” as he started to walk backwards. Involved Civilian 2 then heard gunshots and observed Officer A discharge his firearm. Officer B had his Taser out, but also pulled out and discharged his firearm. Involved Civilian 2 “jumped” in her bedroom, which was next to Involved Civilian 1’s bedroom, as Involved Civilian 1 fell to the floor. When the gunshots were over, Involved Civilian 1 ran out of her bedroom toward the front door. Involved Civilian 1 exited the front door and screamed, “They shot my baby. They killed my baby.” Involved Civilian 2 stated she did not observe any officer use a Taser on Involved Civilian 1.

In an **interview with IPRA** on October 6, 2015, **Witness Officer D, #XXXXXX**,<sup>8</sup> stated that on September 25, 2015, he and Officer C responded as backup to a call of a person with a knife. Upon arrival, Officer D observed Officers A and B talking to Involved Civilian 2 in front of XXX N. Central Park Avenue, but he did not hear the details of the conversation. Officer D heard someone (now known to be Involved Civilian 1) yelling from inside the house. Officer D did not know what Involved Civilian 1 was yelling. Officer D proceeded inside the residence behind Officers A, B, C, and Involved Civilian 2. Once inside, Involved Civilian 2 followed Officers A and B and directed the officers to Involved Civilian 1’s bedroom. Involved Civilian 2 told an officer, either Officer A or Officer B, that he would not need “that” because Involved Civilian 1 only had a box cutter. Officer D stated he did not know what “that” meant but he assumed Involved Civilian 2 was referring to a firearm. The officers continued to approach Involved Civilian 1’s bedroom. As Officer D approached Involved Civilian 1’s bedroom, he heard Involved Civilian 1 yelling “come through.”

Officers A and B approached Involved Civilian 1’s bedroom door. Officer D stated Officers A and B were in the kitchen because it was adjacent to Involved Civilian 1’s bedroom. Officer A knocked on Involved Civilian 1’s bedroom door and announced his office.<sup>9</sup> Officer A then told Officer B to take out his Taser. Involved Civilian 2 went into her bedroom, and Officer C stood next to Involved Civilian 2’s bedroom door and told her to stay in her room. Officer D stated he stood near the bathroom door, which was across from Involved Civilian 2’s bedroom and adjacent to the kitchen.

Officer A attempted to push Involved Civilian 1’s bedroom door open, but a t-shirt was wedged in the door. Involved Civilian 1 then exited his bedroom while holding his hands up in the air and walked toward Officer A. Officer D described Involved Civilian 1’s arms as being bent at his front. Officer D stated he could only see Involved Civilian 1’s back because Involved Civilian 1 immediately walked toward Officer A as if Officer A was a “target.”

Officer D heard an officer yelling “knife, knife, knife” and the “pop” of a Taser. Officer D did not know who yelled “knife, knife, knife” and did not observe who deployed the Taser. The Taser did not appear to have any effect on Involved Civilian 1 because Involved Civilian 1 continued to advance toward Officer Ramey. Officer Ramey moved toward the back door as

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<sup>7</sup> During Involved Civilian 2’s statement, she initially stated that she believed Involved Civilian 1 went into his pocket and retrieved the box cutter. Involved Civilian 2 then recanted and stated she was not sure if Involved Civilian 1 had the box cutter in his hand as he approached Officer A.

<sup>8</sup> Attachment 29

<sup>9</sup> Officer D stated he lost sight of Officer B because Officer B stood near the stove area around a corner.

Involved Civilian 1 continued to advance toward him. Officer D could not observe what Officer A was doing because Involved Civilian 1 blocked his view. Officer D heard three gunshots and Involved Civilian 1 fell to the floor. Officer D did not observe who discharged a firearm.

While Involved Civilian 1 was on the floor, Officer D observed a cutting instrument in Involved Civilian 1's right hand. Officer D did not observe Involved Civilian 1's left hand. Officer D described the cutting instrument as a two to three-inch razor blade with a handle. Involved Civilian 1 continued to move his entire body on the floor while clenching the cutting instrument. Officer B told Involved Civilian 1 to "drop the knife." Involved Civilian 1 did not comply and Officer B deployed his Taser a second time. Officer D then radioed, "shots fired by the police." Officer D stated that Involved Civilian 1 blocked his view of Officer A's firearm, which prevented Officer D from observing Officer A discharge his firearm.

In an **interview with IPRA** on October 6, 2015, **Witness Officer C, #XXXX**,<sup>10</sup> stated that on September 25, 2015, he and Officer D responded to a call of a disturbance with a mentally ill subject. Officer C recalled that the dispatcher reported that Involved Civilian 2 said that her son, Involved Civilian 1, had a knife and was hearing voices. Officers C and D responded to the scene and observed Officers A and B speaking with Involved Civilian 2 on the porch. Officers C and D exited their vehicle and followed behind Officers A and B and Involved Civilian 2 as they walked into Involved Civilian 2's residence. Once inside the residence, Involved Civilian 2 told the officers that Involved Civilian 1 was in his bedroom. At that time, Officer A told Officer B to take out his Taser. Officer C recalled that Officer A took out his firearm as they walked into the residence and Involved Civilian 2 told Officer A that he was not going to need the firearm because Involved Civilian 1 only had a knife.

Officer C heard someone talking inside the residence, but he could not understand anything specifically. Involved Civilian 2 attempted to get ahead of the officers, but Officer C told her to go into the bedroom, which was approximately six feet east of Involved Civilian 1's bedroom. Officer C stated he did not have time to walk Involved Civilian 2 outside of the residence and come back in because he believed "things might happen fast, or you know somethin' might happen."<sup>11</sup> Involved Civilian 2 complied with Officer C's orders, and Officer C stood in front of the doorway to her bedroom. Officer A stood to the west of Involved Civilian 1's bedroom door, while Officer B was perpendicular to Involved Civilian 1's bedroom door.<sup>12</sup>

Officer A attempted to open Involved Civilian 1's bedroom door, while announcing "Chicago Police open the door." Officer C continued to hear unintelligible talking and background noise coming from Involved Civilian 1's bedroom. Involved Civilian 1's bedroom door swung open. Officer C did not know how the door opened. Involved Civilian 1 exited his bedroom immediately, without any pause, and went straight towards Officer A with a knife in his right hand. Officer C stated Involved Civilian 1 exited the room with his right arm extended somewhat and slightly raised above his pelvis with a knife in his right hand. Officer C described the knife's blade as a "couple of inches long." Officer C was unable to see the handle.

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<sup>10</sup> Attachment 31

<sup>11</sup> Page 9, lines 29-30

<sup>12</sup> Officer C stated Officers A and B were both in the kitchen at that time.

Officer C began moving forward. As Officer C moved forward, he heard Officer A state, “Drop the knife,” three times and observed Taser wires “shoot out” from Officer B’s Taser. Officer C did not know if the Taser wires made contact with Involved Civilian 1. Officer A backed away from Involved Civilian 1 until he could no longer back up. Officer A then discharged his firearm at Involved Civilian 1. Officer C heard three to four gunshots and felt a bullet strike his foot. Officer C believed he was shot and stepped back toward Involved Civilian 2’s bedroom door. Involved Civilian 1 fell forward and down to the ground. Involved Civilian 2 exited the bedroom hysterically and attempted to go toward the kitchen, but Officer C told her to go outside.

Officer C stated Involved Civilian 2 did not have a view of the incident because he was blocking the bedroom door and she was inside the bedroom. Officer C stated Officer A told him Involved Civilian 1 had a knife in each hand, but Officer C only observed one knife in Involved Civilian 1’s right hand. Officer C did not know if anything was in Involved Civilian 1’s left hand because he did not have a vantage point to see his left hand. Officer C stated a bullet struck the tongue of his right shoe and the left side of his pants, but he was not injured. Officer C went to Mt. Sinai Hospital as a precaution.

In an **interview with IPRA** on October 6, 2015, **Witness Officer B, #XXXX**,<sup>13</sup> stated that on September 25, 2015, he and Officer A heard a call of a person with a knife go over the air. Officers B and A both decided to go to the location of incident to assist. When they arrived, Officers A and B met with Involved Civilian 2, who stated that she wanted her son, Involved Civilian 1, escorted to Loretto Hospital. Involved Civilian 2 also stated that Involved Civilian 1 had a box cutter. Officers C and D arrived, and all the officers went inside Involved Civilian 2’s residence.

Inside the residence, Involved Civilian 2 directed the officers toward the rear bedroom, which was Involved Civilian 1’s bedroom. Officer A removed his firearm from his holster, and Involved Civilian 2 told him that he would not need that because Involved Civilian 1 only had a knife. When the officers reached Involved Civilian 1’s bedroom door, Officer A holstered his firearm and Officer B pulled out his Taser. Officers A and B knocked on Involved Civilian 1’s bedroom door and announced that they were the police. Involved Civilian 1 was saying unintelligible words and had an agitated tone. Officer B stated the only thing he could make out was Involved Civilian 1’s stating, “Come on through,” repeatedly.

At that point, Officers B and A were standing in the kitchen because it was adjacent to Involved Civilian 1’s bedroom. Officer B recalled that Officers C and D were standing to his left side. Officer B was not sure where Involved Civilian 2 was because he did not have eyes on her. Officer A attempted to open Involved Civilian 1’s bedroom door. Officer B stated he stood next to Officer A and took a step back as Officer A attempted to push open Involved Civilian 1’s bedroom door. Officer A could not get the door open right away due to an obstruction in the door.<sup>14</sup> Officer A was able to open Involved Civilian 1’s bedroom door after two attempts. Once the door opened, Involved Civilian 1 immediately “charged out” with a knife in his right hand. Officer B described the knife as a folding knife that had a blade two to three inches long.

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<sup>13</sup> Attachment 33

<sup>14</sup> Officer B stated he later learned that a t-shirt was wedged in the doorway.

Officer B yelled “drop the knife, drop the knife” and started to back away from Involved Civilian 1. Involved Civilian 1 initially “charged” in Officer B’s direction, but then changed directions and “charged” toward Officer A. Officer A moved backward while facing Involved Civilian 1. Officer B discharged his Taser at Involved Civilian 1, but the Taser had no noticeable effect on Involved Civilian 1. Officer B stated he did not know if the Taser prongs connected with Involved Civilian 1’s body. Officer A continued to back away from Involved Civilian 1 until he could not back up any further. Officer A drew his firearm and discharged three shots at Involved Civilian 1.<sup>15</sup> Officer B stated that Involved Civilian 1 was only an arm’s length away from Officer A when Officer A discharged his firearm.<sup>16</sup>

Involved Civilian 1 fell to the floor in a prone position with his right arm extended in front of his body, still holding the knife in his right hand with a closed fist. Officer B Tasered Involved Civilian 1 again by activating the ARC switch on the Taser.<sup>17</sup> Officer B stated the Taser wires appeared to be attached to Involved Civilian 1’s body, but he could not see where the Taser probes made contact with him. Officer B stated the reason that he activated his ARC switch was because he believed Involved Civilian 1 was still a threat to Officer A, who was standing directly in front of Involved Civilian 1 and was within striking distance. After the activation of the ARC switch, Involved Civilian 1 did not drop the knife, so Officer B yelled for him to “drop the knife” again. Officer B determined at that time that Involved Civilian 1 was still a threat so he discharged a second Taser cartridge.

The second Taser cartridge appeared to have an effect on Involved Civilian 1 because his body tensed up. After the five second Taser cycle<sup>18</sup> was over, Involved Civilian 1’s body appeared to relax, but he still had a tight grip on the knife in his right hand. Officer B yelled “drop the knife” again. Involved Civilian 1 did not comply and Officer B Tasered him again using the Taser ARC switch. Involved Civilian 1 still did not drop the knife. Officer A then cautiously approached Involved Civilian 1 and removed the knife from his right hand. Officer B stated he believed he discharged two Taser cartridges and activated the Taser ARC switch twice. After removing the knife from Involved Civilian 1’s right hand, Officer A placed the knife on a kitchen table. An ambulance was requested, and Involved Civilian 1 was transported away from the scene. Officer B stated after the incident Officer A told him Involved Civilian 1 had a knife in his left hand. Officer B stated he did not see the knife in Involved Civilian 1’s left hand because of the way Involved Civilian 1 was positioned and because he (Officer B) was focused on the knife in Involved Civilian 1’s right hand.

In an **interview with IPRA** on October 7, 2015, **Involved Officer A, #XXXX**,<sup>19</sup> stated that on September 25, 2015, he and Officer B responded to a domestic disturbance regarding a person with a knife. When the officers arrived on the scene, they spoke to Involved Civilian 2, who told the officers she wanted her son, Involved Civilian 1, taken to Loretto Hospital because

<sup>15</sup> Officer B stated he later learned Officer A discharged his firearm five times.

<sup>16</sup> The Medical Examiner’s report indicates that there was no evidence of close range firing on the skin surrounding the entrance wounds to Involved Civilian 1’s body. *See* Attachment 73.

<sup>17</sup> (ARC) - Arc display/Re-energize/Cartridge advance

<sup>18</sup> When the Taser trigger is pressed and released there is a five-second energy cycle.

<sup>19</sup> Attachment 36

he had mental health issues. Officer B asked Involved Civilian 2 if Involved Civilian 1 had any weapons, and Involved Civilian 2 stated that Involved Civilian 1 kept a knife in his pocket. Approximately one to two minutes later, Officers C and D arrived on the scene. All the officers then proceeded to walk into Involved Civilian 2's residence.

Inside the residence, Officer A placed his hand on his firearm due to the nature of the call being a person with a knife.<sup>20</sup> Involved Civilian 1 told Officer A that he would not need his firearm because Involved Civilian 1 only had a knife. Officers A and B approached Involved Civilian 1's bedroom door, which was adjacent to the kitchen. Officer C placed Involved Civilian 2 in a nearby bedroom and Officer D stood by the bathroom door in the hallway.

Officer A knocked on Involved Civilian 1's bedroom door and announced police. Involved Civilian 1 stated words to the effect of "come on in" a couple of times. Officer A described Involved Civilian 1's tone as aggressive, and it sounded as if he may have been suffering from some mental health problems as Involved Civilian 2 mentioned. Officer A attempted to push open and turn the handle on Involved Civilian 1's bedroom door, but the door would not open. Officer A then observed a black t-shirt or cloth jammed in the doorframe, which prevented the door from opening. Officer A placed his hand on his firearm and told Officer B to take out his Taser. Officer A stated he stood to the west of Involved Civilian 1's bedroom door while Officer B stood in front of the door about five feet away.

At that time, Officer A pushed open Involved Civilian 1's bedroom door. Involved Civilian 1 stood a couple of feet back from the door, holding a knife in each hand. Officer A stated that Involved Civilian 1 had a knife with a brown handle in his right hand and a bluish gray knife in his left hand. The knife with the brown handle appeared to be five inches long, from the blade to the end of the handle, and the bluish gray knife appeared to have a two to three-inch blade. Involved Civilian 1 exited his bedroom at a very fast pace and walked in Officer A's direction causing Officer A to back up. Officer A stated Involved Civilian 1's arms were extended, just above his waistline, with a bend in his arms.

As Officer A backed up, he yelled "drop it" and withdrew his firearm. Officer A's back hit a spice rack in the kitchen. When Officer A could no longer back up, he discharged his firearm three to four times.<sup>21</sup> Officer A stated he discharged his firearm from his armpit and his body was turned to his left side to defend himself from the blades of the knives. Officer A stated when he discharged his firearm, Involved Civilian 1 was an arm length away.

Involved Civilian 1 fell to the ground, and Officer A attempted to grab the brown knife out of Involved Civilian 1's right hand. Officer A stated that he does not remember if he took the blue knife out of Involved Civilian 1's left hand, or if someone else did. Involved Civilian 1 would not let go of the knife in his right hand and Officer B Tasered him. Officer A was then able to remove the knife from Involved Civilian 1's right hand and place it on a kitchen table. Officer A did not observe or hear Officer B deploy his Taser prior to discharging his firearm. Officer A stated he only observed Officer B deploy his Taser when Involved Civilian 1 fell to the floor. After

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<sup>20</sup> Officer A stated that he does not believe he had removed his firearm from his holster at that point.

<sup>21</sup> Officer A stated he later learned he discharged his firearm five times.

Officer A placed the knife on the kitchen table, he reported via Chicago Police Department (CPD) radio “shots fired by the police.” Officer A stated he was not carrying a Taser during the incident.

**b. Digital Evidence**

**Office of Emergency Management and Communications**<sup>22</sup> records document that on September 25, 2018, at 08:50 p.m., Involved Civilian 2 (*Involved Civilian 2*) called 911 and reported the following:<sup>23</sup>

*Call TakerA:* Chicago Emergency, Call Taker A

*Involved Civilian 2:* Hi, can I get someone out here, and if you can, can you get a sheriff and a white shirt because I have a mental son here and he's threatening me, talking about what he gonna do, and I think he got a little box cutter in his pocket, but umm...if they come they gonna take him to Norwegian Hospital and his doctor said he needs to get to Loretto, that's the only way they can pick him up and take him back to the mental hospital.

*Call Taker A:* You gonna have to tell that to them when they get there.

*Involved Civilian 2:* Ok, please.

*Call Taker A:* Ok and what kind....you say he has a history of mental illness?

*Involved Civilian 2:* Yes, he do.

*Call Taker A:* What's his name?

*Involved Civilian 2:* Involved Civilian 1.

*Call TakerA:* How old is he?

*Involved Civilian 2:* He's 34.

*Call Taker A:* Is he violent?

*Involved Civilian 2:* He cursing and stuff talking about what he gonna do.

*Call TakerA:* Well cursing is not violent.

*Involved Civilian 2:* Well he acting like he is cause when I went in the bathroom, I had poured....he sprayed bleach everywhere and so he had bleach all on the toilet, so I poured my pop I the toilet. He gonna talk about somebody pissed all over the toilet.

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<sup>22</sup> Attachment 56

<sup>23</sup> The transcription was performed by COPA Major Case Specialist A, #XXX, and is not verbatim.

You peed On the toilet bitch get this shit up, get it up bitch, and he went in his pocket like he had that switch blade and say, say one more thing, I'll take care of you and I said no you ain't Involved Civilian 1. And I eased away from him and I came in the front and he went back in that room and so I call my brother and them, they say they was coming over here.

*Call Take rA:* Ok. XXX N. Central Park on the first floor?

*Involved Civilian 2:* Yes ma'am.

*Call Taker A:* And you're Involved Civilian 2?

*Involved Civilian 2:* Yes, I am.

*Call Taker A:* Does he have a weapon or you think that he has one?

*Involved Civilian 2:* I know he got a ....you know the box cutter that you can open up a box with.

*Call Taker A:* Yes, but does he have it?

*Involved Civilian 2:* It's in his pocket, but he's not gonna use it, you know you don't have to come in with no guns or nothing. They just need to get him out here and if I can get him to Loretto cause I been.....umm...the rehabilitation center he was living at, they say the only way they can pick him back up cause Norwegian they keep letting him out. He done snuck out of there so many times.....

*Call TakerA:* Like I already said, you have to tell the police that when they get there.

*Involved Civilian 2:* Ok. Ok.

*Call Taker A:* What's your telephone number ma'am?

*Involved Civilian 2:* XXX-XXX-XXXX.

*Call Taker A:* Alright, be looking out for the police.

*Involved Civilian 2:* Thank you ma'am.

Beat XXXX was initially assigned to respond to the call, but Beats XXXX (Officers A and B) and Beat XXXX (Officers C and D) responded to the scene. Dispatch provided the following information prior to the officers responding: "XXX N. Central Park, person with a knife, Involved Civilian 2 stated her son, Involved Civilian 1, 34 years old, has a history of mental, he threatened her, he has a box cutter in his pocket. Nothing further."

**Evidence Technician Photographs and Video**<sup>24</sup> depict the scene and the recovered evidence.

**c. Physical Evidence**

**A Chicago Fire Department Ambulance Report**<sup>25</sup> documented that Ambulance XX arrived at the scene on September 25, 2015 at approximately 9:03 p.m. Involved Civilian 1 was lying supine on the kitchen floor. Involved Civilian 1 was unresponsive and apneic with no detectable pulses. CPR was initiated. Involved Civilian 1 had a gunshot wound to his left upper chest, right upper chest, right forearm, and right upper leg. Involved Civilian 1 also had two Taser prongs imbedded, one Taser prong in his left flank and one in his stomach. Involved Civilian 1 was transported to Mt. Sinai Hospital and arrived there at approximately 9:27 p.m.

**Medical Records from Mt. Sinai Hospital**<sup>26</sup> document that on September 25, 2015, Involved Civilian 1 received treatment for multiple gunshot wounds. Involved Civilian 1 was pronounced expired at 9:33 p.m.

**The Office of the Medical Examiner (M.E.) Report of Portmortem Examination**<sup>27</sup> for Involved Civilian 1, Case # XXXXX – XXXXX, by Doctor A, documents that there were seven entrance wounds.<sup>28</sup> Involved Civilian 1 had two entrance gunshot wounds on the left side of his chest, an entrance gunshot wound on the posterior of his left forearm, an entrance gunshot wound on the medial of his right arm, two entrance gunshot wounds to his anterior right forearm, and an entrance gunshot wound to his anterior right thigh.

The report also noted that four barbed conducted electrical weapon electrodes with attached wires were recovered from Involved Civilian 1's body. The toxicology report documented that Involved Civilian 1 tested negative for substances. The cause of death was multiple gunshot wounds and the manner of death was homicide.

**CPD Crime Scene Processing Reports**<sup>29</sup>#XXXXXX and XXXXX document the evidence identified, collected, and inventoried in connection with this incident. A list of pertinent items relevant to the IPRA/COPA investigation is as follows:

Inventory #XXXXXX and #XXXXXX contained a recovered “Techni-edge” gray box cutter with an extended blade and a stainless gray colored utility folding knife with an extended blade, both of which were recovered on a kitchen table; Inventory #XXXXXX was five (5) WIN

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<sup>24</sup> Attachments 27, 45-51

<sup>25</sup> Attachment 22

<sup>26</sup> Attachment 59

<sup>27</sup> Attachment 62

<sup>28</sup> One bullet can cause more than one entrance wound if it exits and then re-enters the body.

<sup>29</sup> Attachments 24-25

9mm Luger +P fired cartridge cases recovered in the kitchen,<sup>30</sup> Inventory #XXXXXXX was a Taser X2 gun recovered from a kitchen table, and two deployed cartridges with wires removed from the Taser X2; Inventory #XXXXXXX consisted of Officer A's gun, a Glock model 17,<sup>31</sup> 9mm semi-automatic pistol. There were 12 WIN 9mm Luger +P unfired cartridge cases removed from the magazine and one WIN 933 Luger +P caliber unfired cartridge case removed from the chamber. Inventory #XXXXXXX consisted of two bullets, two fired bullet jacket fragments, and one fired bullet fragment which were all recovered from Involved Civilian 1 body at the Cook County Medical Examiner Office.

**Illinois State Police (ISP) Forensic Science Laboratory Report** dated December 30, 2015, documents that Officer A's gun, a Glock model 17, 9mm semi-automatic pistol, Serial #TTG163 was operable. The two fired bullets and a fired bullet fragment, Inventory #XXXXXXX, recovered from Involved Civilian 1's body were fired from Officer A's firearm. The two fired bullet jacket fragments were also examined, but it could not be determined if they were fired from Officer A's firearm.

An ISP report dated June 8, 2017, documents that a box cutter, Inventory #13538349, was examined and measured approximately 15.5 centimeters in length, and the blade measured 1.6 centimeters in length and up to 1.0 centimeters in width. A box cutter (utility folding knife), Inventory #13538354, was examined and measured approximately 16.5 centimeters in length, and the blade measured 2.0 centimeters in length and up to 1.7 centimeters in width.

An ISP report dated December 19, 2017 documents that a swab from the box cutter, Inventory #XXXXXXX, was not profiled. Two swabs from the box cutter (utility folding knife), Inventory #XXXXXXX, were examined. One swab (blood indicated) was examined and a human male DNA profile was identified from which Involved Civilian 1 cannot be excluded. The second swab did not identify any human DNA profile.<sup>32</sup>

#### **d. Documentary Evidence**

An **Original Case Incident Report**<sup>33</sup> for Assault – Aggravated Police Officer: Knife/Cut Instrument documents the summary of the incident. The case report added that Involved Civilian 1 was holding a box cutter in each hand.

**The Case Supplementary Report**<sup>34</sup> provides in essence the same information provided by Officers A, B, C, and D. The case report added that Officer A observed Officer B deploy his Taser when Involved Civilian 1 exited his bedroom. In addition, Officer A told detectives that Officer B removed the bluish gray knife from Involved Civilian 1's left hand after he, Officer A, removed the brown knife from Involved Civilian 1's right hand. Officer B told detectives that he

<sup>30</sup> Four (4) of the WIN 9mm Luger +P fired cartridge cases were recovered on the kitchen floor and one (1) WIN 9mm Luger +P fired cartridge case was recovered on a chair cushion in the kitchen.

<sup>31</sup> The Glock had a capacity of seventeen plus one in the chamber.

<sup>32</sup> Attachments 70, 74, 76

<sup>33</sup> Attachment 11

<sup>34</sup> Attachment 63

observed Involved Civilian 1 armed with a box cutter and another object that he could not see when he exited his bedroom. After Officer A recovered the box cutter from Involved Civilian 1's right hand, Officer B recovered a folding utility knife from Involved Civilian 1's left hand.

Detectives also interviewed Involved Civilian 2. Involved Civilian 2 told detectives that once she escorted the officers in her residence, she was instructed to wait in her bedroom. She then heard yelling and four to five gunshots. Involved Civilian 2 then exited her bedroom and saw Involved Civilian 1 lying on the kitchen floor.

**The Taser Download Sheet<sup>35</sup>** documented the use of Officer B's Taser on September 25, 2015. A summary of that information is as follows:

- 20:56:05 hours - the Taser was armed.
- 20:56:06 hours - the Taser was deployed by trigger for a duration of five seconds.
- 20:56:21 hours - the Taser was deployed by the ARC switch for a duration of one second.
- 20:56:22 hours - the Taser was deployed by trigger for a duration of five seconds.
- 20:56:28 hours - the Taser was deployed by the ARC switch for a duration of five seconds.
- 20:59:43 hours – the Taser was placed in safe mode.

A **Tactical Response Report (TRR)** completed by **Officer A<sup>36</sup>** documents that Involved Civilian 1 did not follow verbal direction, presented an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm. Officer A responded with member's presence, verbal commands, and the discharge of his firearm. Officer A discharged his firearm five (5) times.

A **Tactical Response Report (TRR)** completed by **Officer B<sup>37</sup>** documents that Involved Civilian 1 did not follow verbal direction, presented an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm. Officer B responded with member's presence, verbal commands, his Taser probe discharge, and activated arc switch.

A **Tactical Response Report (TRR)** completed by **Officer D<sup>38</sup>** documents that Involved Civilian 1 did not follow verbal direction, presented an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm. Officer D responded with member's presence.

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<sup>35</sup> Attachment 44

<sup>36</sup> Attachment 12

<sup>37</sup> Attachment 14

<sup>38</sup> Attachment 16

A **Tactical Response Report (TRR)** completed by **Officer C**<sup>39</sup> documents that Involved Civilian 1 did not follow verbal direction, presented an imminent threat of battery, attacked with a weapon, and used force likely to cause death or great bodily harm. Officer C responded with member's presence.

The **Officer's Battery Report (OBR)** completed by **Officer A**<sup>40</sup> documents that he responded to a disturbance – mental patient, in uniform, on September 25, 2015, at 9:04 p.m., at XXX N. Central Park Avenue. The subject, Involved Civilian 1, had a knife/other cutting instrument. Officer A did not sustain any injuries.

The **Officer's Battery Report (OBR)** completed by **Officer B**<sup>41</sup> documents that he responded to a disturbance – mental patient, in uniform, on September 25, 2015, at 9:04 p.m., at XXX N. Central Park Avenue. The subject, Involved Civilian 1, had a knife/other cutting instrument. Officer B did not sustain any injuries.

The **Officer's Battery Report (OBR)** completed by **Officer D**<sup>42</sup> documents that he responded to a disturbance – mental patient, in uniform, on September 25, 2015, at 9:04 p.m., at XXX N. Central Park Avenue. The subject, Involved Civilian 1, had a knife/other cutting instrument. Officer D did not sustain any injuries.

The **Officer's Battery Report (OBR)** completed by **Officer Choate**<sup>43</sup> documents that he responded to a disturbance – mental patient, in uniform, on September 25, 2015, at 9:04 p.m., at XXX N. Central Park Avenue. The subject, Involved Civilian 1, had a knife/other cutting instrument. Officer C did not sustain any injuries.

CPD's Bureau of Internal Affairs conducted **alcohol and drug tests**<sup>44</sup> of Involved Officer A on September 26, 2015, beginning at 12:47 a.m., and the tests revealed no drugs or alcohol in his system.

**Chicago Police Department Training Records**<sup>45</sup> document that Officers B, A, C, and D did not have Crisis Intervention Team (CIT) Training at the time of the incident.

The **IPRA Preliminary Report** and the **CPD's Major Incident Notification (MIN) Report** both contain information identified and obtained in the preliminary stages of the investigation.<sup>46</sup>

## V. ANALYSIS

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<sup>39</sup> Attachment 18

<sup>40</sup> Attachment 13

<sup>41</sup> Attachment 15

<sup>42</sup> Attachment 17

<sup>43</sup> Attachment 19

<sup>44</sup> Attachment 42

<sup>45</sup> Attachment 68

<sup>46</sup> Attachment 4 and 77

Based on the totality of the circumstances, the use of deadly force by Officer A against Involved Civilian 1 was objectively reasonable. A preponderance of the evidence demonstrates that Involved Civilian 1 presented an imminent threat of death or great bodily harm to Officer A by rapidly approaching Officer A with a box cutter in his right hand. Officer A was backed against a wall and did not have the option to retreat as Involved Civilian 1 continued to advance on Officer A with a box cutter. As such, the use of deadly force by Officer A was objectively reasonable and **within Department policy** as outlined by the Chicago Police Department's General Order 03-02-03, II. Officer A's use of force also complied with applicable Illinois state statute and constitutional standards.

**a. Legal Standard**

The applicable Chicago Police Department directive is General Order 03-02-03, II,<sup>47</sup> which states that a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. To prevent death or great bodily harm to the sworn member or to another person, or;
2. To prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
  - a) has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
  - b) is attempting to escape by use of a deadly weapon or;
  - c) otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

In addition, the use of deadly force is codified under 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

...a peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...

720 ILCS 5/7-5 (1986).

Finally, determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their

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<sup>47</sup> This report references the version of General Order 03-02-03 in effect on September 25, 2015.

underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989). *See Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;" and (3) "whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396 (*citing Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). This reasonableness calculation 'must embody allowance for the fact that police officers are often forced to make split second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.' *Graham*, 490 U.S. at 396-97. Consequently, "when an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force." *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (*quoting Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (*en banc*) (omitting emphasis)).

### **b. Officer-Involved Shooting**

There is a preponderance of evidence demonstrating that Officer A reasonably believed that deadly force was necessary to prevent Involved Civilian 1 from causing death or great bodily harm to him.

First, at the time of the officer-involved shooting, Officer A knew from the dispatcher that Involved Civilian 1 was in possession of a box cutter, had a history of mental illness, and had threatened Involved Civilian 2.<sup>48</sup> Involved Civilian 2 also directly told Officer A that Involved Civilian 1 had a knife and that she wanted the officers to take Involved Civilian 1 to Loretto Hospital for mental health treatment. Therefore, Officer A had a reasonable basis to believe that Involved Civilian 1 was armed and dangerous.

Second, the evidence demonstrates that Involved Civilian 1 rapidly approached Officer A with a box cutter in his right hand while ignoring repeated verbal commands to drop the knife.<sup>49</sup> Specifically, Officers B, C, and D corroborated Officer A's statement that Involved Civilian 1 approached Officer A with a box cutter in his right hand. Involved Civilian 2 also initially stated that she observed Involved Civilian 1 with a box cutter after he exited his bedroom. Under these circumstances, Involved Civilian 1 would reasonably appear to be threatening Officer A with death or great bodily harm, especially considering Officer A's preexisting knowledge about Involved

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<sup>48</sup> Officer A did not know the full context of Involved Civilian 2's phone call with the 911 operator. However, the relevant consideration in evaluating Officer A's use of force is the information provided to him by the dispatcher or other sources.

<sup>49</sup> Officer A stated that Involved Civilian 1 also had a knife in his left hand as he approached, but no other officer corroborated Officer A's statement on this issue. Officer A also did not recall Officer B discharging his Taser prior to his use of deadly force. There are also some inconsistencies between Officer A's statements to the detective as documented in the detective supplemental report and his statement to IPRA investigators. Although COPA does not believe Officer A intentionally provided a false statement to IPRA investigators or to the detectives, Officer A's ability to fully and accurately recall the incident is highly questionable. Accordingly, COPA gave no weight to the parts of Officer A's statement that were not corroborated by other evidence such as the statements of witness officers, Involve Civilian 2, or the physical evidence.

Civilian 1 allegedly threatening Involved Civilian 2 with the box cutter and Involved Civilian 1's history of mental illness. *See Jones v. Town of Highland Ind.*, 204 F. Supp. 3d 1030 (N.D. Ind. 2016) (granting summary judgment to defendants on § 1983 excessive force and Monell claims, as well as a state law wrongful death claim, because it was reasonable for an officer to employ deadly force where the decedent's mother informed the officer that her son had schizophrenia and had threatened her with a knife earlier, two Taser deployments did not subdue the decedent when he engaged in a physical struggle against the police, and the decedent had an officer backed up against a door while wielding a baton as a weapon). Courts in multiple jurisdictions have found police use of deadly force justified against an individual wielding a box cutter. *See Wood v. City of Lakeland*, 203 F.3d 1288, 1293 (11th Cir. 2000) (holding a police shooting reasonable because the decedent's movement toward the officers with a box-cutter in hand posed a threat of "imminent death or great bodily harm"); *Njang v. Montgomery County*, 279 Fed. Appx. 209, 215 (4th Cir. 2008) (holding that a "reasonable officer would indeed have concluded that the threat posed" by a man steadily advancing upon her with a box cutter justified shooting him); *Del Castillo v. City of Tempe*, No. CV-14-01945-PHX-DLR, 2016 U.S. Dist. LEXIS 161037 at \*7 (D. Ariz. Nov. 18, 2016) (holding that use of deadly force was justified because "it was objectively reasonable" for an officer to believe a man advancing toward him with a box cutter "posed an immediate threat to himself, the other officers, or to the public").

Third, although a preponderance of the evidence does not demonstrate that James was actually within arm's length of Officer A, a preponderance of the evidence including witness testimony, the location of the shell casings, the dimensions of the kitchen and layout of the furniture, and the blood stains demonstrates that Involved Civilian 1 was only a short distance from Officer A and still approaching at the time Officer A discharged his firearm. Importantly, Officer A had no reasonable avenue of escape and could not use time or distance to de-escalate the situation. Officer A retreated until his back was against a movable shelving unit located against the far west wall in the kitchen and Officer A was otherwise surrounded by the back door or other barriers. Therefore, Officer A had to make an immediate decision about the amount of force to use in a situation that was tense, uncertain, and rapidly evolving.

## VI. CONCLUSION

In its totality, the evidence demonstrates that an officer with similar training and experience as Officer A would reasonably believe that Involved Civilian 1 posed an immediate threat of death or serious bodily harm and that the use of deadly force was necessary to prevent death or great bodily harm to himself. Accordingly, Officer A's use of deadly force was objectively reasonable and complied with Chicago Police Department's General Order 03-02-03, the Illinois state statute and the Fourth Amendment.

Officer	Allegation	Finding
Officer Ramey	No allegation of Misconduct	Use of deadly force was within CPD policy.

Approved:

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Chief Administrator A

*Chief Administrator*

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Date

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	X
<b>Major Case Specialist</b>	Major Case Specialist A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Acting Deputy Chief Administrator:</b>	Acting Deputy Chief Administrator A